

Message

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Subject: EtO news

FYI-In case you did not see this..TCEQ has extended the public comments to Sep 28th.

Environmentalists Warn EPA Against Using Texas' Weaker EtO Risk Limit

July 24, 2019

Environmental groups are warning EPA against using Texas' proposed assessment of the health risks of ethylene oxide (EtO), which is much weaker than the agency's, when officials write new air toxics rules for sectors emitting the carcinogenic pollutant, saying that to do so would violate legal requirements that the agency use "best available science."

The Texas Commission on Environmental Quality's (TCEQ) proposed document "could not possibly qualify as adequate science, much less the best available science," environmentalists said in a statement to *Inside EPA*.

Their warnings mark the latest step in an ongoing battle over EPA's proposal that it may not use Obama-era risk levels for the chemical, developed by the agency's Integrated Risk Information System (IRIS) program in 2016.

The final IRIS assessment found EtO to be 30 times more potent at causing cancer than previously thought and affirmed long-suspected claims that the chemical – used as an intermediate to make other chemical products like detergent, antifreeze and polyester, and to sterilize medical equipment and foods -- causes breast and lymph cancers.

It set an inhalation unit risk factor (URF) of 9.1×10^{-3} per parts per billion (ppb), which corresponds to a 1 in 100,000 excess cancer risk air concentration of 0.001 ppb. This cancer potency estimate is based on human epidemiology data of both incidence of lymphoid cancers and breast cancer.

The 2016 IRIS risk values underpin EPA's findings in its latest National Air Toxics Assessment (NATA), which found elevated health risks from EtO at facilities around the country and prompted [intense local controversies](#).

But the Trump EPA in a [proposed air toxics rule for the hydrochloric acid \(HCl\) production sector](#), which emits EtO, has invited comment on whether the 2016 IRIS risk values are too stringent, as the chemical industry believes, and whether it should continue to use them.

Should EPA depart from the IRIS value in final rules for HCl and other industry sectors, now under development, it could require much more lenient emissions controls for those industries and set a broader precedent undercutting the agency's use of its IRIS values.

An EPA spokesperson says only that, "EPA will evaluate all relevant scientific information in future rulemakings on EtO."

Now TCEQ has issued a June 28 proposed "development support document,") which rejects the tough assessment of EtO's toxicity that the IRIS program finalized in 2016. EPA's URF "is not adequately supported by scientific data and the TCEQ did not adopt it for this evaluation," TCEQ says in its draft assessment.

Instead, TCEQ opts for a URF of 2.5E per ppb (1.4E-6 per micrograms per cubic meter, or ug/m3), and a "chronic health-based effects screening level for nonthreshold dose response cancer effect" of 4 ppb (7 ug/m3).

TCEQ says EPA has failed to take sufficiently into account endogenous EtO levels, and EPA's modeling of EtO risks "statistically significantly over-predicts lymphoid cancer deaths." EPA's model "demonstrates unequivocally that USEPA's selected model assessment cannot be validated by the data that was used to derive it, and this model is not appropriate to use for estimates of population risk."

Instead, TCEQ's assessment proposes an inhalation URF of 2.5E-6 per ppb (1.4E-6 per ug/m3), a value that is three orders of magnitude weaker than EPA's, environmentalists say.

Initially offered for public comment for 45 days, TCEQ has now extended the comment period to 90 days, until Sept. 28, after Texas environmental groups filed comments criticizing what they say was the unreasonably short comment period.

'Best Available Science'

Environmentalists, already alarmed over EPA's HCl proposal, are now also pushing back against TCEQ's proposed document, fearing it could serve both as a template for weaker permitting of Texas industry, and as a vehicle for EPA to weaken its assessment of EtO in federal rules. They are concerned that EPA could use the TCEQ assessment as evidence to claim its approach in the HCl rule and others is "best available science," in an effort at a legal defense, sources say.

"Instead of following the science and advice of these national environmental justice experts, suddenly TCEQ is attacking and proposing to ignore EPA scientists' evaluation of the health information," they say in their comment letter.

"TCEQ seeks to use a different number that is three orders of magnitude, or 1000 times, less protective of public health than EPA's scientific assessment. The best available science shows Texans, and especially Texas's children, need stronger, not weaker, safeguards from this chemical."

Their concerns are boosted by the involvement of TCEQ chief of toxicology Michael Honeycutt, who was also appointed by former EPA Administrator Scott Pruitt to lead EPA's Science Advisory Board (SAB).

In their statement to *Inside EPA*, environmentalists say it "is highly problematic and concerning that Dr. Honeycutt's office in Texas is suddenly attempting to attack EPA's peer-reviewed science on the health effects of ethylene oxide, and even appears to be trying to persuade EPA to ignore its own guidelines and its own scientists' final assessment of what is needed to protect public health from this cancer-causing pollutant." To illustrate the point, the environmental sources point toward Texas' labeling of its document as a "dose-response assessment," when they say "it has been clear for decades that carcinogens have no safe level of human exposure, so it is scientifically unjustifiable to use a dose-response or threshold approach."

The environmental sources also note the Texas proposal is "three orders of magnitude weaker" than the IRIS value. "TCEQ appears to be using questionable, unpublished, and uncertain information that it has not provided for public review and that also appears[s] not to have gone through any peer review."

The environmentalists add that TCEQ does not specify what regulatory purposes the development support document could serve.

One Texas Sierra Club source calls the Texas document "a big deal," which could undermine the stringency of air permitting in Texas, a state with an outsize portion of heavy industry, including numerous EtO sources. The source cites 60 facilities in Texas that produce or use EtO, including 38 in the Houston ship channel. "This proposal by Texas could be applied nationwide," the source says.

The document could also apply to a series of other rules EPA is crafting, including a final risk-and-technology review (RTR) rule setting air toxics standards for HCl; a similar RTR rule for the "miscellaneous organic chemical (MON) manufacturing industry," due for completion under a judicial deadline of March 2020; and a review of air toxics standards for commercial sterilizers, due for completion in December. -- *Stuart Parker* (sparker@iwpnews.com)

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